THE DECALOGUE JOURNAL

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The Art Of Government

. . . GOVERNMENT is itself an art, one of the subtlest of the arts. It is neither business, nor technology, nor applied science. It is the art of making men live together in peace and with reasonable happiness. Among the instruments for governing are organization, technological skill, and scientific methods. But they are all instruments, not ends. And that is why the art of governing has been achieved best by men to whom governing is itself a profession. One of the shallowest disdains is the sneer against the professional politician. The invidious implication of the phrase is, of course, against those who pursue self-interest through politics. But too prevalently the baby is thrown out with the bath. We forget that the most successful statesmen have been professionals. Walpole, Pitt, Gladstone, Disraeli, and Asquith were professional politicians. Beveridqe's **Life of Abraham Lincoln** serves as a reminder that Lincoln was a professional politician. Politics was Roosevelt's profession; Wilson was, all his life, at least preoccupied with politics; and Calvin Coolidge, though nominally a lawyer, has had no profession except politics. Canada emphasizes the professionalism of politics by making the leader of the Opposition a paid officer of state. . . .

JUSTICE FELIX FRANKFURTER
The Public and Its Government

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SOCIETY ELECTS MORTON SCHAEFFER PRESIDENT

On Wednesday evening, May 23, at the Chicago Bar Association headquarters, 29 South LaSalle Street, The Decalogue Society of Lawyers held its annual meeting for the election of officers and members of the Board. President Bernard H. Sokol, who presided at the affair, rendered his annual report. Also presented were the annual reports of the Treasurer and Society's Financial Secretary. Cocktails and dinner preceded the business part of the affair.

The following officers and members of the Board were elected:

President, Morton Schaeffer; 1st Vice President, Solomon Jesmer; 2nd Vice President, Alec E. Weinrob; Treasurer, Harry H. Malkin; Financial Secretary, Judge David Lefkovits; Recording Secretary, Michael Levin; for the office of Members of the Board of Managers, to succeed themselves for a two-year term:

Eugene Bernstein, Matilda Fenberg, Reginald J. Holzer, L. Louis Karton, Esther O. Kegan, Leon A. Kovin, Louis J. Nurenberg, H. Burton Schatz, Marvin Victor; others on the Board of Managers: for two-year terms, Favil E. Berns, Richard L. Ritman; for a one-year term, William D. Sampson.

Intra-Society awards of merit for meritorious work and outstanding devotion to Society's welfare during the year 1955, were bestowed on Marvin Victor and Alec E. Weinrob. The presentations were made by past president Jack E. Dwork.

A feature of the occasion was a demonstration of hypnotism and a lecture on "The Significance of Bridey Murphy" by past president Oscar M. Nudelman.

Member of our Board of Managers Leon A. Kovin addressed the gathering on his recent visit, as the Society's delegate, to the Inter-American Bar Association Conference at Dallas, Texas.

Benjamin Weintroub, editor of the Journal, was presented with an award for "his six years of distinguished service as editor of The Decalogue Journal." The presentation was made by past president Elmer Gertz.

Installation ceremonies inducting into office newly elected officers and members of the Board will be held at a luncheon on June 29 at the Covenant Club.

The Enforcement of the Law and Civil Liberty

With the presentation of a symposium on the subject of "The Enforcement of the Law and Individual Liberty" the Forum Committee of our Society completed a series of most provocative discussions in the history of our organization, on a vital and timely theme.

As planned by Bernard H. Sokol, President, discussions on the subject of the Bill of Rights were to emphasize the responsibility of the lawyer for the keeping of America's most sacred document in clear perspective of its immense importance. Further, to stimulate the lawyer to disseminate the precepts and principles of the Bill of Rights wherever and whenever he could. In pursuit of the implementation of this objective, The Decalogue Forum committee under the chairmanship of Solomon Jesmer, second vice-president, sought and secured the participation in the series of several outstanding members of the Bar, and distinguished communal leaders. Each of the lectures given met with the enthusiastic response of members of our Society, and their friends in the profession. The popularity of each Forum gathering was stressed by increasingly larger audiences in attendance.

The following is a record of meetings held under the auspices of our Forum committee.

October 28: "Minorities and Majorities under The United States Constitution" — AUGUSTINE J. BOWE, President of the Chicago Bar Association.

December 16: "The Declaration of Independence" a discussion participated in by a panel of several Decalogue Society members and the audience.

January 20: "Freedom of the Press—The Keystone of the Bill of Rights"—LEO A. LERNER, editor, author, and recipient of The Society Award of Merit.

The final meeting, a symposium on "The Enforcement of the Law and Individual Liberty" was held at a luncheon in the Covenant Club on April 13. The participants were JOHN GUTKNECHT, state's attorney, JOHN T. DEMPSEY, Judge of Circuit Court, and JOSEPH D. LOHMAN, Sheriff of Cook County. Their addresses follow:

Judge John T. Dempsey

It is a pleasure to be on the same program with able public officials who demonstrate in the conduct of their offices that there can be effective law enforcement without the curtailment of individual rights. Law enforcement is primarily the province of police officials. The Bill of Rights, while the concern of all, is in its execution and interpretation primarily the responsibility of lawyers and the courts. The courts have no higher duty to perform than protecting the constitutional rights and liberties of the people.

Lawyers have many duties, but none is greater than that of implementing the Bill of Rights. I believe it was Justice Jackson who said that these rights are but scraps of paper unless a lawyer will go into the courtroom and give concrete effect to the abstract word.

In our County, attorneys have daily occasion to call upon the courts to enforce constitutional provisions affecting individual liberty, especially the Fourth and Fifth Amendments to our Federal Constitution, Section 6 and 10 of Article II, which protect the individual from unreasonable search and involuntary self incrimination.

I am sure that the Judges here who have served in the Criminal Court will agree with me that at the trial level these are by far the most frequently asserted controventions of the Bill of Rights. In fact, violations of the Fourth Amendment occur so generally, they are almost on a wholesale scale.

We recognize, all of us, that in large metropolitan areas such as ours, the police are in an unending war with criminals. Their job of protecting the community is monumental. Whether because of the unrelenting pressure of this unceasing crime, or because of carelessness, or indifference, or lack of sufficient legal knowledge, shortcuts are taken; annoying formalities and delaying legal requirements are avoided.

While we can, sometimes, understand these methods, we can never condone them. An officer has no more right to violate the Constitution than a criminal has to violate the law. Of course, law enforcement would be much more simple if we, in America, did not have our Constitutional guarantees. Police work would be easier, but the life of every other citizen would not be.

The failure to obtain search warrants is a constantly recurring shortcut, which brings the searches into conflict with the Fourth Amendment and Section 6. Illegal arrests also invalidate searches. In Illinois, articles seized in these searches are suppressed if a proper and timely motion is made. The State would win more cases if these articles were received in evidence, for there usually is no better circumstantial proof than the possession of contraband, stolen property, or the tools of an illicit trade.

The States Attorney must be saddened many times as he sees strong cases become weak because of the failure of policemen to make lawful arrests. The Constitutional provisions do not by their own terms bar the admission of the evidence secured contrary to those provisions, but in Illinois, as I said, such evidence is excluded, and the reason for this exclusionary rule is if this evidence were received, it would in effect, be compelling a person to give evidence against himself and, therefore, his privilege against all incrimination would be transgressed. Likewise, the two Constitutions do not prohibit against unreasonable search does not extend to a search made contemporaneously with a valid arrest.

Reasonable grounds for an invalid arrest is a mixed question of law and fact. Some preliminary hearings are held to determine and to ascertain the legality of the search and the legality of the arrest. These may take considerable time, but the time consumed in these Fourth Amendment motions is little compared to the time required in the preliminary hearings pertaining to infractions, or averred infractions, of

the Fifth Amendment. It is not unusual for these to take a couple of days. These are held immediately before trial, or during the trial outside of the presence of the jury.

The problem faced by our local courts in reference to the Fifth Amendment is not one of wholesale breach, but rather of wholesale allegation. There seldom is a case involving a confession or an admission in which the charge is not made that the confession or admission was obtained by some form of duress. This is almost certain to be so if the defendant was ever in the County Jail long enough to have talked to other inmates.

These invariable charges against our Chicago and Cook County Police officers are without foundation and fact. However, there are instances, and have been instances, in which the charge appears well founded, so, the conscientious trial judge wants to be sure of the particular case in front of him because he knows that an admission made voluntarily by a competent person is the highest type of evidence, but the extraction of a confession by force is a flagrant violation of justice. So, he carefully checks the truth or falsity of each accusation, and the burden of it is on the State to prove by the preponderance of the evidence that the confession was freely made.

Every person who has knowledge of the confession, or who might have knowledge of the circumstances surrounding its making, is called as a witness. Every police officer whose name is mentioned, or who is assigned to the station where the confession was taken, and whose appearance resembles the description or descriptions given by the defendant, is called to testify. The judge passes upon the competency of the purported confession. If he rules that it is admissible, and the prosecutor then uses it as part of his case, the defense is entitled to contest it before the jury, because although the judge decides upon its competency, the jury determines what weight it is to be given. So, the whole process is repeated for the jury's benefit, and every witness who testified is recalled to the stand and testifies again as the defense renews its contention that coercion caused the accused to make a false statement. So, you can see why these hearings take so much time—but they are well worth while.

Our Illinois procedure effectively safeguards the defendant from prejudice. The jury never knows about the confession unless the judge is first satisfied that it was freely made. This portion of the Fifth Amendment establishes one of our most valuable freedoms. What is there other than the Fifth Amendment to shield one who is suspected of crime from furnishing evidence for his own conviction, except for some dubious progress in civilization, and some questionable improvements in man's humanity to man? What else is there other than the Fifth Amendment to shield a person from abuse or even brutality?

We lawyers well know that years ago when those in authority wanted people to talk, torture was a routine. I wonder if those citizens who complain about the Fifth Amendment realize what the alternative would be if there was no such constitutional protection? When I hear people, well-meaning people, say that something has to be done about the Fifth Amendment, I cannot help but wonder if many Americans would willingly forego a portion of their freedom to obtain some seemed advantage like better law enforcement, or to obtain some vain benefit such as, perhaps, some totalitarian promise of economic security. Probably there are not too many now and I hope that there never will be any; but ideas do grow and minorities can become majorities; the Constitution can be altered and its provisions can be nullified by erosion.

I have been talking about the responsibility that is ours as attorneys in the courtroom to implement the Bill of Rights, but does our responsibility end there? We are trained in the law. We know its evolvement, its history. We know of the struggle and appreciate the struggle that was made to achieve individual rights and individual liberties. We know how truly priceless these rights are.

Do we not, as members of this distinguished profession, have the added obligation of defending these rights out of court as well as in, and of doing everything we can to prevent our people from becoming indifferent to the principles upon which their liberty is based, and to prevent them from regarding the great constitutional truths as hackneyed phrases, or meaningless platitudes.

Not long ago, Judge Learned Hand in speaking about the lawyer's obligation said that upon our people rests the responsibility greater than any other. You and I, he said, as loyal custodians of our precious heritage have our duties to perform.

Gentlemen, The Decalogue Society of Lawyers has been performing that duty that Judge Hand said was ours. It has been outstanding in doing so, and your Society, also, by focusing attention repeatedly upon our Bill of Rights has followed, I believe, in a most commendable way, that significant admonition set forth in the 20th Section of the Second Article of the Constitution of Illinois, that a frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

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Sheriff Joseph D. Lohman

. . . Judge Dempsey has set forth clearly and cogently the spirit of the Bill of Rights and our commitment to the civil liberties in this land, and some of the concrete problems that confront us in attempting to implement those principles.

Just before coming here, your good chairman gave me a copy of the recent *Decalogue Journal*, and on the front page, Oliver Wendell Holmes, one of my favorite authors, set forth the notions he has as to the life of the law. He emphasized in those remarks familiar to all of you here that the life of the law has not been logic, it has been experience, and by the same token, it is necessary for us to debate these principles time and again in the light of recent and remote experience to determine whether under the cover of law, sometimes in the name of lip service to language, things are accomplished which are in opposition to the spirit of that law.

I can commence by suggesting to you as Sheriff that there are many in these parts who seek comfort against unreasonable search and seizure in such terms as to pass over lightly and without proper regard for the adjective unreasonable, which is to say, to assume per se, that search and seizure is in some sense or another highness and consequently is on the face of it the basis for an opposition and a defense in a case.

It behooves us in the light of developments of the land to recognize that the term unreasonable was intended to be assessed and evaluated from time to time in relationship to the conditions that confronted us, so that we might not be seized upon by elements in the community who in some special sense determined to use the cover of the law to escape the common spirit in which we live together as people who live by and under the law.

There is, for example, in these parts an organized criminal element in the community who has as little regard for the liberties we cherish as any group that I can refer to,

whose chief stock in trade is to seize upon the Bill of Rights as a means for perpetuating the conflict and activity in the community; and it becomes important for us to evaluate the measures that they employ under law as a means of securing themselves in their nefarious trade.

I only put this before you because there is a dilemma which confronts law enforcement officials in that they in turn are used by the law itself if that law is not kept abreast of the objective conditions and circumstances of the community.

I am not one to argue with the price that we pay in terms of the protection of the guilty by our Bill of Rights as too high in order to preserve the liberties of the innocent. On the contrary, I would emphasize that it become important for us that our problems do not escape us as we at the same time do concern ourselves with protecting the liberties of the great mass of the population.

We live in a mass society that is structured and organized by deliberate calculating groups, some of which operate under the law, some in the margins between the law and the other side, and some on the other side of the law. Each of these groups may have occasion to use the common standard of the community to protect and pursue its interests, and it becomes important that we guard against those who are against the spirit and purpose of our way of life, and who use that law to protect and secure themselves in their practices.

As the Sheriff, I share with Judge Dempsey the concern that he has, and all of us have, about police officers being abusive and excessive in their exercise of power; and I am quick to say that for the most part there is too much reliance upon what seems to be the need for some direct action in lieu of professional competent investigation and determined police work, and I have tried persistently to make available to the members of my organization information in the light of which they might face up to their responsibility and task, if necessary by the long route around rather than through short-cuts in the process of which they may have damaged innocent lives.

I am quick to say that for the most part, the problem as it confronts us here is that the organized community, in the large, has not taken sufficient pains to provide its law enforcement organization and apparatus with the wherewithal, the understanding, the insights in terms of which it can rise to the high principle and content of our constitutional provisions. We expect that police officers act in ways which are as strange to them as they are to any ordinary citizen not conversive with our rights under the law.

A professor of sociology at Harvard University has brought out in the last year an astounding book which has polled the opinions of the people of America with reference to the Bill of Rights, and it is shocking indeed to discover that most citizens do not even know what they are, let alone adhere to seizures which would protect and secure them. Have we a right to expect police officers without benefit of training, without benefit of caution and guides provided by the legal profession itself, to act more securely and with greater confidence in the protection of these rights than the ordinary citizens of the land, for in fact they are just ordinary citizens for the most part without benefit of such preparation, and this is their difficulty rather than that they are determined to use and abuse power to their own ends and their own way.

So, I would argue for the implementation of our Bill of Rights in law enforcement circles by preparing them to discharge their obligations and their functions in the light of the knowledge and understanding which the legal profession could make available to them.

Indeed, I would call your attention as members of the Bar to an aspect of the problem which I am sure has escaped many of you and concerning which I am currently concerned. Under the Bill of Rights, we provide at one point security against cruel and unusual punishment under the Eighth Amendment. We outlaw excessive fines. All of you know that we sometimes use bail excessively, not to secure a prisoner against escape but to give him a taste of jail; and judges themselves may toy with this procedure which in my mind is equal to the shortcomings of police officers in their excess and abuse and is of moment to use in the protection of our liberties.

Or to go further, how many of you are concerned in this room with whether a person convicted as a misdemeanant in Cook County and sent to the Cook County jail is free of influences and conditions and circumstances which under the law were not intended to be visited upon that man as a misdemeanant? How many of you are certain that a man will not have a greater chance to contract tuberculosis in the Cook County jail if once he is committed there? Is it our intention to visit that cruel and inhuman punishment upon a person that has tampered in the theft of an auto, tampered with an auto, or been speeding along the highway? Is it our intention we shall expose him more readily and disproprotionately to the possibility of venereal disease or tuberculosis by incarcerating him in the Cook County jail?

And this, ladies and gentlemen, is in fact the case; and I would suggest here that it is as much a concern of the ordinary bar and the judiciary to examine the punishments which are meted out, and their consequence, not only in legalistic terms as to place of committment and general arrangement, but as to whether, in fact, the conditions which obtained do avoid visiting upon that person in relationship to the nature of the sentence and unusual punishment, an excessive or cruel one.

One might very well raise the point as to whether a committment to the County jail, now over-populated by some one thousand in terms of the numbers that were intended to be provided for that institution, whether that is not excess cruel and abusive treatment of human beings convicted as misdemenants.

I might very well ask in terms of the plan itself of the County when it erected a jail in 1927 which was designed at that time to house persons primarily to await trial, and the architecture and design of that institution is clearly to that end. Ninety-three per cent of the men in Cook County jail in 1927, in accordance with that arrangememnt were persons awaiting trial and only seven per cent serving time. Today, over sixty per cent of the men in the jail are serving time, serving sentences, and only less than forty per cent are awaiting trial—in an institution which was designed only to provide temporary custody over persons who would be disposed and sent to an institution where they could be appropriately meted out the punishment which had been declared as relevant by the courts.

One might raise the question, is confining one in an institution designed merely to afford opportunity for temporary custody for a length of time as a sentenced prisoner, with all of the disabilities and shortcomings which such an architecture and design provide, is this in the nature of a violation of the Eighth Amendment? Are such persons free of cruel and unusual punishment or excessive fines?

I raise this question rhetorically because it seems to me that it is much a matter of concern to the organized Bar to know what happens to a prisoner the day after he begins to serve sentence, as it is a matter of concern to them to have the right to counsel with them while they await their

appearance before the bench. And I might say in this connection, the only representation of any consequence that I have received from the organized Bar in Cook County with reference to the rights of prisoners at the Cook County jail has been that there has been an insufficient opportunity to counsel generously with persons who are awaiting trial.

How much concern is there about this person who once convicted begins to serve a sentence- Have his rights disappeared or are they yet protected under the Bill of Rights?

In 1800, with the drafting of our Bill of Rights and our Constitution throughout the States, we reflected in the spirit of the time our concern with the exercise of power by government, and by officials of government, and took very special precautions as represented in Judge Dempsey's reference to the Fifth Amendment and others, to see to it that our officials could not abuse us. This was the threat of that day, but as Justice Holmes remarked, experience gives us another threat in our time. It is the threat of disregard by the organized community for those on the other side of the law. It is the threat of the disregard of the organized community, the spirit of the mob, with reference to those matters which are unpopular. It is the threat of these pools of vested interest in society which having banded together to get their voices felt and implemented, and speak louder than the majority, and make unpopular and unacceptable any individual or separate expression.

The power of our time toward which the Bill of Rights must be directed is not a power so much of individual governmental officials, not of kings or despots, as it is an irrational public, an irrational mob, and an unorganized and ill-discovered public which does not know itself, and which by default has turned into the hands of those who would make their will felt, unseen and unheard, the rulers of the community.

It is something of a sad commentary on our society that it should be even possible to coin such a phrase as a Fifth Amendment Communist, a commentary on the power which has come to pass from the hands of despots and kings into the hands of irresponsible pools of influence, mobs, those who set forth for a time that which is popularly acepted and received and which rides like the Four Horsemen over our liberties, and over the land.

This is our target today. Indeed, it is reassuring to find that in the Decalogue Society, and in the company of Judge Dempsey and Judge Gutknecht, concern that somehow, some way, abuse and excess against individuals is a matter of concern to us, but we must certainly, in the light of experience, recognize that the new demon is not the ancient king, but irrational public opinion, and irresponsible pools of influence in the community.

The aged old question confronts us today. We have a free society secure and capable of maintaining itself and not yet lose the face of freedom. It is essentially a problem in mass society of the threat of a larger and of a lesser collectivism. Will we respond and capitulate before these whims of fancy, or will we deliberately, rationally, seek out the seats of power as they present themselves today and preserve liberty against them; for they are different powers, they are different influences, and they are in different places. But the Bill of Rights through time is equal to the problem.

Let us seek out and find this abuse where it is. Let us prepare our police officers to do that which we expect of them rather than harangue them for being incapable of doing that which hardly a citizen can rise to if he were pressed and called upon to do it.

The problem of our society is that we do not belong, or feel, or work together any longer through merely natural means and procedures. It is by deliberate and calculating effort on the part of the few thoughtful groups in the country and in the community that the difference will be had, and I would commend to the Bar a concern not only with counselling with clients, but creating a system in which those who have been condemned, as well as those who have won their freedom, will continue to enjoy their liberties under the Constitution.

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States Attorney John Gutknecht

I think what I have said some four or five years ago, and before that, and shall repeat today, is not too gracious to say to a body of lawyers. I think the most discouraging thing I have found in connection with the enforcement of civil liberties is that there are so few lawyers that give a damn about them, to the extent that they will take off their time to really try to enforce the civil liberties where some poor defendant is involved.

Yes, very few of you are carrying a cross for the civil liberties. Life is too complex. You are too busy. And you must remember that a Sheriff with a few hundred police, the States Attorney who must serve close to three hundred judges, fifteen thousand police, with one hundred twenty Assistants, and a judge who has all kinds of work, civil as well as criminal, cannot be the main reliants in the enforcement of the civil liberties where five million people are concerned.

History shows us that it has been a progressive idealistic and aggressive Bar that was responsible for the development of civil liberties, and their perpetuation will depend on them.

We are very unfortunate in Cook County. We have a Criminal Court Building miles away from the center of things. At the beginning of every year, if there are any new judges, we get the new judges first. They must be educated at the expense of the security of the people, or of the freedom of the defendant. I do not blame the judges for not wanting to go out there. I would like, as a States Attorney, to be able to spend all my time downtown.

There is an even greater disadvantage in that location—and I must say that the Mayor of Chicago who gave me a chance to get on the bench was also the Mayor of Chicago who was responsible for locating that Criminal Court Building out in his bailiwick—and the real disadvantage of it is that our criminal law has come into the control of a relatively small portion of the Bar, and they are very able men. However, if we had a central court building, everything was located here in the loop, we would have four times as many people engaged in the practice of criminal law as we have at the present time. It would be healthier for the criminal lawyers because they would be getting a taste of civil practice, too. It would be healthier for the community.

There have been few times in my eighteen years on the bench, and in my work in the States Attorney's office, that I have seen idealists come forward with real civic rights which have made me happy. I have been made happy very rarely, though, with that kind of an incident.

We hear a lot about civil rights out in the Criminal Court Building from the professionals because it is the stock method, as the Judges here will tell you, for the criminal lawyer to work on the jury.

I did three things the first month I was in office of which I am very proud. I think they were about the first three things I did. First, I went up and asked that a case be dismissed because there was not an iota of evidence, and I got quite a barrage from the press on it because the fellow was a gangster. We had no evidence. The other case in-

volved the going up and dismissing a case against a defendant charged with murder, because on a re-investigation of the picture, it was very evident to me that he was innocent. The third thing—and Dick Austin knows these three instances in that first month because he was there doing a good share of the work—was the so-called Scotland Yard case. If ever there was a case of brutality without a shred of defense, that was a case; and I was said to be very foolish that I dared take it before the Grand Jury, and then before the Jury. We got a conviction on a minor charge, but not on the major one; and the Judge in his discretion, but not in his conscience, set that aside. Then, in the real trial they having been found not guilty on the main charge, the Jury found it very easy to find them not guilty on the second charge.

Well, I can say this to you. It was the greatest victory I have had in my three years in this job, because it served notice that regardless of who was guilty of brutality, this States Attorney was not standing still for it. I want to say that brutality is entirely out of the Police Department. I will say that I am certain it is in the healthiest condition it has been in decades. Within recent months, I know of no case which has been brought to my attention, or called to my attention, by my boys of brutality being used, except with a certain group that has not learned its lesson.

Now, you hear much more about brutality than actually exists. I am satisfied the students of the local field will say that there is by far less brutality in the police forces in Cook County today than ever in our history. I am certain that the Sheriff, I am certain that Chief O'Connor, and I am certain that my office and all my Assistants, will not stand still for any case where there is evidence of brutality being used.

There is another practical thing of which I wish to speak. I have no use for the violation of the law with reference to tapping wires. It is awfully hard to get evidence. We have had two convictions. Again I say, that in the last two years, I only know of one group in connection with the Cook County Police Force that is tapping wires, and I was shocked. A year and one-half ago, it happened to drag along during a campaign to have the public expression of condoning the use of wire tapping in our city.

If you are going to depend upon the States Attorney using wire tapping, or permitting the police to use wire tapping, to convict criminals, you got the wrong States Attorney.

I believe very fundamentally that the only possible way democracy can survive is by having the government, that means the judges, the police, the states attorney, and the other officials obey the law, and obey particularly the rights and privileges enacted for Mr. Citizen. I recognize we are handicapping ourselves tremendously in a democracy here by doing that because we do have syndicated crime in Chicago and throughout America; we do have a criminal system built up to protect us against the encroachment of the government, transformed almost into a system that is used essentially for the protection of the professional criminal. We have to take that as part of the price of liberty.

I know it is nearly time to close. I know you want to ask a few questions if there is time. I just want to say this. Not a man in my office will willingly, or with his boss' consent make any act to deprive a citizen of his rights whether he is a defendant or what. I could wish that I had more lawyers who would give of their time to be a nuisance in the courtroom, to make sure that the civil liberties are enforced.

Application for Membership

MARVIN M. VICTOR, *Chairman Membership Committee*

APPLICANTS	*SPONSORS*
Marvin D. Berman	Harold F. Tuber and Milton M. Laff
E. M. Beroc	Benj. Weintroub and David Axelrod
Irwin I. Blumberg	Meyer Weinberg and Benj. Weintroub
William A. Cain	Benj. Weintroub and Favil Berns
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Maurice H. Spira	Irving Holtzman and Foster Schlutz
Jerome Strauss	Meyer Weinberg and Joseph L. Stiller

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SOCIETY HOST TO YOUNG ATTORNEYS

More than fifty young lawyers recently admitted to the Illinois Bar, were guests of our Society at a luncheon on May 25th at the Covenant Club. The event was under the joint auspices of our Education and Orientation of Younger Members Committees. The principal address was delivered by member Judge Hyman Feldman. The Judge dwelled on the responsibilities of the lawyers to the Bench and Bar. He stressed the need for constant study of the law, competent presentation of a contested matter before the court, and adherence to the highest precepts of ethics in the practice of law.

President Bernard H. Sokol presided and spoke at length of the high prestige of our Society in the legal profession. He recited in detail the manifold activities of our Bar association in the profession and in the community, and he invited the guests to join and participate in our Society's work.

Other speakers included members Colonel Jacob M. Arvey, Judge Harry G. Hershenson, and Martin Faier.

CONGRATULATIONS

The following members of our Society were nominated for offices listed below at the last primary election in Chicago and in Cook County.

DEMOCRATIC

HENRY X. DIETCH
State Representative
1st District

BARNET HODES
Delegate, 2nd District
National Nominating
Convention

NATHAN J. KAPLAN
State Representative
13th District

JUDGE DAVID LEFKOVITS
Judge, Municipal Court
of Chicago

ABNER J. MIKVA
State Representative
23rd District

BERNARD S. NEISTEIN
State Representative
16th District

JAY A. SCHILLER, JR.
State Senator
4th District

PHILIP A. SHAPIRO
Alternate Delegate
11th District
National Nominating
Convention

SIDNEY R. YATES
Congressman
9th District

ELECTED

PHILIP A. SHAPIRO
Ward Committeeman
39th Ward

REPUBLICAN

PHILIP R. DAVIS
Judge, Municipal Court
of Chicago

VICTOR H. GOULDING
Judge, Municipal Court
of Chicago

REGINALD J. HOLZER
State Representative
12 District

ERWIN L. MARTAY
State Representative
8th District

STANLEY RUBEN
Judge, Municipal Court
of Chicago

SIDNEY S. SCHILLER
State Representative
13th District

MICHAEL F. ZLATNIK
State Representative
8th District

ELECTED

HARRY S. STARK
Ward Committeeman
46th Ward

SOCIETY REJECTS AMENDMENTS

Upon full notice as required by the Society's Constitution and By-Laws, a meeting was called for March 23, 1956, at the Chicago Bar Association, to debate and pass upon the proposed amendments limiting the tenure of Board Members. The required quorum was lacking and action on the matter continued. Accordingly, the meeting was postponed to April 6th at noon, and notice was again given to the members. This time there was a quorum. First Vice-President Morton Schaeffer presided. The discussion was lively and general. All viewpoints were adequately presented.

Both proposals lost when the votes were tallied. The general feeling was that it was healthy to ventilate the subject, but that there was little interest among the membership either way.

The arrangements committee was chaired by Board Member Meyer Weinberg, assisted by Messrs. Solomon Jesmer, Morton Schaeffer and Elmer Gertz.

DECALOGUE OUTING ON JULY 11 AT CHEVY CHASE COUNTRY CLUB

Plans are all completed to make the twenty-second Decalogue Society all day outing on Wednesday, July 11, at Chevy Chase Country Club, Milwaukee Avenue near Wheeling, outstanding in the annals of our bar association. In addition to a magnificent golf course and a swimming pool, the Chevy Chase possesses unsurpassed facilities for various games of skill.

Chairman Solomon Jesmer of the arrangements committee for the big summer outing announced the appointment by President Bernard H. Sokol of the following committees.

Vice-Chairmen—Alec Weinrob and Marvin Victor

Golf—William D. Sampson

Prizes—H. Burton Schatz and Eugene Bernstein

Women's Committee—Esther O. Kegan and Matilda Fenberg

Games—Leon A. Kovin and Michael Levin

Reception Committee—Chairman, Roy I. Levinson; Vice-Chairmen, Reginald Holzer and Paul G. Annes

Publicity—Elmer Gertz

H. Burton Schatz and Eugene Bernstein, in charge of door prizes collections, report an unprecedented receipt of valuable prizes for free (if lucky) distribution among members and their guests at the outing.

A leading music ensemble and an orchestra band have been secured for after-dinner entertainment and dancing.

Esther Kegan and Matilda Fenberg in charge of women's activities have arranged for card and Mah Jong games, swimming races and diving exhibitions. A feature of proceedings provided by the Women's Committee will be a book review of *The Last Temptation* by Mrs. David Lefkovitz.

Alec Weinrob and Marvin Victor in charge of ticket sales announce that the price of a ticket is $9.50 which includes dinner, swimming, and golf privileges. For reservations please write The Decalogue Office, 180 West Washington Street, or telephone ANdover 3-6493.

SAMUEL BERKE ON OIL

Member Samuel Berke, Master in Chancery Superior Court, addressed the Covenant Club Round table on May 15th, on the law of oil leases, royalties, and the mechanics of oil drilling. Berke's subject was "Gusher or Duster?"

On Habeas Corpus Writ

Past President Elmer Gertz, director of Public Relations for our Society, is in receipt of the following communications from Congressman James C. Murray, Third District, Illinois, and from U.S. Senator Herbert Lehman, regarding H.R. Bill 5649. An article by Richard L. Ritman, chairman of our Civic Affairs committee "Federal Limitations On Habeas Corpus Writ," in opposition to this bill, appeared in the April-May, 1956 issue of THE DECALOGUE JOURNAL.

From Senator Herbert H. Lehman

Thank you for your thoughtfulness in sending me the report of the Decalogue Society of Lawyers in opposition to H.R. 5649. It is my understanding that this bill is presently pending before the Subcommittee on Constitutional Rights of the Senate Judiciary Committee, under the chairmanship of Senator Hennings of Missouri. I have written Senator Hennings expressing my deep concern over the dangers inherent in this bill. It is my hope that no further action will be taken on it.

From Congressman James C. Murray

I have your letter of March 31st together with a copy of a Resolution adopted by The Decalogue Society of Lawyers in opposition to H.R. 5649, a bill concerning applications for writ of habeas corpus by persons in custody pursuant to State Court judgments.

I have always had a great admiration for The Decalogue Society, but feel that their opposition to the proposed legislation is predicated upon conclusions not founded in fact. I would like to submit for your Society's consideration the replies to each of the points your group made against the bill.

(1) With respect to the first point, the bill expressly contemplates that any convicted State prisoner who alleges that his trial is a result of a deprivation of due process of law be entitled to a fair hearing on his charges, including an opportunity to seek certiorari in the United States Supreme Court. If such a hearing is denied by a State Court, or is otherwise inadequate, a Federal District Court acquires immediate jurisdiction.

(2) With respect to the second contention, the bill specifically requires that State Court proceedings by subject to certiorari in the United States Supreme Court.

Rather than requiring the United States Supreme Court to consider a large number of applications not previously reviewed, the bill will, in fact, diminish the number of cases that the United States Supreme Court is required to review since it will eliminate those applications for certiorari presently being considered by the United States Supreme Court that had already been considered by that Court in State post-conviction review cases. Under present procedures the United States Supreme Court has reviewed the identical contention made by the same prisoner time after time. The bill contemplates one review by the United States Supreme Court upon the same set of facts and same contention.

(3) With respect to your third contention in opposition to the proposed legislation, at the present time failure to exhaust adequate State remedies or the pursuing of an incorrect remedy, delays the inquiry by a Federal District Court.

As an example, under existing Federal legislation with respect to habeas corpus, Roger Tuohy sought reviews in the Federal District and State Court of a State conviction in some nine different judicial proceedings; yet, the latest attempt in the Federal District Court was reversed in the Circuit Court of Appeals because of his failure to exhaust a State remedy.

(4) With respect to your fourth contention, evidence submitted by the Attorney-General of the State of Illinois, discloses that the Illinois Post-Conviction Review Act has not lightened the burden of Federal courts in habeas corpus matters. All that the Act has done is delay the filing of writs of habeas corpus in Federal courts by State prisoners while they exhaust the Illinois Post-Conviction remedy. Present indications are that the burden of the Federal Court with respect to convictions under State Law is increasing.

I believe the bill protects the civil rights of individuals much more adequately than they are being protected under present Federal procedures. Under present Federal procedures a State prisoner in a State that provides no post-conviction procedures might immediately apply to the Federal District Court for habeas corpus. In a State that provides numerous procedures, even though he feels he is reasonably assured that he will not receive a fair hearing in any of the State available remedies, such prisoner is required to exhaust all of such State procedural remedies including petition for certiorari to the United States Supreme Court before he has access to the Federal District Court for relief. The exhaustion of such numerous State remedies might take years to accomplish. As a matter of fact, in some cases it has taken years.

The proposed legislation will guarantee to every person convicted under State law the assurance that they will have a fair review of his Federal constitutional objections to the trial that resulted in his conviction, regardless of which State originally acquired juridiction over him.

Under the proposed legislation, for the first time in our Federal Judicial history a State prisoner has the opportunity to go into a Federal District Court and obtain an immediate hearing upon the charge that his State conviction was predicated upon a denial of his Federal constitutional rights and that the State Court's post-conviction remedies are such that he cannot obtain a fair hearing upon the charge. Under all prior procedures the State prisoner was required to exhaust the State remedy before he has access into the Federal Court.

It is my suggestion that your Committee once again review the proposed legislation and in its review consider the report of the Judiciary Committee and the debates and proceedings in the House of Representatives, together with present Federal habeas corpus procedures, and I am certain that your Society will conclude, as did I, that the present bill is in the interest of civil rights of the individual.

FORM DECALOGUE BOWLING LEAGUE

For the first time in its long history, The Decalogue Society of Lawyers will have a bowling league. Louis J. Nurenberg, chairman of the Bowlers Committee announces that a contract to bowl at the Gold Coast Alleys at 1213 North Clark Street, Chicago, Illinois, has been signed for the season beginning in the Fall, 1956. Play will be on Wednesday at 5:30 P.M. every week. Only members of our Society may participate in our league.

There still remain openings for a number of bowlers. Every members is eligible to join the league upon payment of $5.00 advance fee. No special skill is needed, for this will be a handicap league accredited by the American Bowling Congress. Teams will be so organized that at the beginning of the season each team will be equal in bowling average. Trophies will be awarded for team success and for individual net and gross bowling accomplishments.

"For our beginning year," states Mr. Nurenberg, "we have committed the Society to only a six alley league, but if there is a sufficient response in the next two weeks, more alleys will be acquired."

Please contact the Society offices at 180 W. Washington Street, AN 3-6493 for further information.

Society Mourns Death of Judge Joseph Sabath

In the passing of Judge Joseph Sabath, the Decalogue Society of Lawyers and the Bench and Bar of this community lost a most worthy member.

The son of immigrant parents, the future famous jurist arrived in this country from Czechoslovakia in 1885, when fifteen years of age. Twenty-five years later, the industrious and ambitious young immigrant was elected to the Municipal Court of Chicago. After six years in the Peoples Court, Sabath was elected to the Superior Court, where he served for thirty-six years.

For more than a generation of his tenure in office, while in the Superior Court, Judge Sabath sat in the divorce division. He had heard more than one hundred thousand divorce cases. It was his proud claim that his personal efforts resulted in more than ten thousand reconciliations. He was ever alert to sieze an opportunity to bring in happy reunion the contesting parties and he deemed it a personal triumph to return to society a married couple anxious at another try at domestic bliss.

Shortly after Judge Sabath's retirement from the Bench in December, 1952, our Society feted him, then 82 years of age, on his remarkable and lengthy service on the Bench. Hundreds of members of the Chicago Bar, nearly all the Judges of the various courts in Cook County attended the luncheon at the Covenant Club. In acknowledging our Society's award, a plaque reciting his contributions to the welfare of Bench and Bar, the Judge said:

> . . . When I came to this glorious country, as a penniless immigrant, in 1885, little did I dream that the United States was such a heaven on earth, where true democracy makes all men brothers, worshipping One God in different ways, but working and living together in harmony and fellowship. . .
>
> . . . I was thrilled, to be elected Judge of the Municipal Court, in 1910. When this followed, in 1916, with elevation to the Superior Court, I realized that I had to give the best service within my capacity. In my 42 years on the bench, I have had the pleasure of dealing with many outstanding members of the bar, such as you. This work and the part each of you played in it, has enriched my life. I have always believed that being a Judge was not a matter of personal prestige and glory, but an opportunity to serve my county, state and country. Fortunately, I was privileged to serve in the Divorce Branch during many of these years, where I was so happy to save homes and families and to protect children. The thousands of letters I have received from reconciled families are among my richest treasurers. . .

The Judge is survived by a son, Milton J. Sabath, a member of our Society, a daughter, Mrs. Stella Grollman, 7 grandchildren, and 14 great-grandchildren.

Notes on the Ninth Conference

By DANIEL A. URETZ

Mr. Leon A. Kovin, and I were The Decalogue Society delegates to the Ninth Conference of the Inter-American Bar Association which took place in Dallas, Texas, the week of April 14-21, 1956.

The Conference was held on the grounds of the Southern Methodist University in the several buildings spread over a mile square area, north of the city. Busses chartered by the association took the delegates daily, at 9:00 A.M., from their hotels to the meetings and back.

The legal center of the University was always the hub of tremendous activity. Over the entrance door to this great institution are carved the Ten Commandments. In the main lounge room there is a portrait of Justice Louis Brandeis.

It was reported that there were over 750 delegates to the Conference from 19 nations of North, Central and South Americas. Seventeen other countries, France, Spain, Netherland, Italy, Japan, China, Pakistan, Korea, South Africa, Australia and Arabs from the Middle East, from Iran, Iraq, Egypt, Lebanon and others were also represented.

The three of us participated in many committee conferences, in sessions on civil law, civil and commercial procedure and social economic law. I also attended a committee meeting on proposed amendments to the United Nations Charter.

Miss Fenberg presented a well documented paper on the status of children in cases of separation or divorce of parents. Her recommendations were favorably discussed by the Committee and adopted by a resolution.

During the week, there were several informal noonday lunches addresses by noted speakers, among them Ex-President Herbert Hoover, attorney-general Herbert Brownell, assistant Secretary of State Henry Holland, Under-Secretary of the Interior Clarence Davis, and the Ministers of Justice, Supreme Court Justices, and Attorney-Generals of Argentina, Brazil, Ecuador, Venezuela and other South American countries. Most of their speeches were broadcast to the nation and, I am told, were reported by the press. Ex-President Herbert Hoover, who spoke without a glance at his notes, dwelled upon the communist menace which, he maintained, threatens Latin, Asian and African cultures. He cautioned the delegates to beware of the Reds.

The U.S. Attorney-General Herbert Brownell made an impressive address outlining the strategy and methods used by the communist bosses of Moscow in their schemes of subversion. He listed various techniques used by the communists to infiltrate Brazil, and French African colonies, and pleaded with South American nations for cooperation in nullifying the spread of communism.

Assistant Secretary of State Holland reviewed the attitude of the Department of State toward immigration and, also, recited the efforts of his department to prevent another war. Under-Secretary of the Interior Clarence Davis described the work of his department in conserving the country's riches in oil, coal, water, gas, wild life and other natural resources.

* * *

A Jewish woman lawyer, a Mrs. Horwich, the South African delegate, was much feted by the members of the Executive Committee at receptions in honor of the delegates by the Dallas Bar Association. In chatting with her, I found her a most informed person on international problems.

It saddened me to see no delegates from Israel. I am assuming that Israel domestic and foreign problems are such that it could not, at this time, afford participation in lawyers conventions.

* * *

Whitney Harris, who addressed our Board of Managers several months ago, is now assistant Secretary-General of the Inter-American Bar Association. He sought applications for membership among the delegates, as individuals rather than as representatives of associations. Membership dues are ten dollars per year; associate membership $25.00 and life membership $500.00.

* * *

The hospitality of Robert Storey, President of the Southern Legal Foundation and also President of the Inter-Bar Association and of his staff created a most favorable impression on all participants of the conference. The Hoover and Brownell's talks, too, had a great deal to do with the success of the Conference.

* * *

The resolution for certain amendments to the United Nations Charter, including the broadening

of the powers of the International Court of Justice, the enlarging of the Security Council and abrogation of the veto power, resulted in the recommendation to the members to further study the various problems.

* * *

A New Jersey delegate offered a resolution to prohibit the taking of pictures in courts as undignified; recommended for further study.

* * *

A resolution recommending abolition of capital punishment did not get beyond discussion level and was recommended for further study.

* * *

Establishment of a Fund for economic assistance to exiled lawyers in this hemisphere was adopted.

* * *

Among our many hopes for the beneficial results of the Ninth Conference is one that we as Jews especially cherish: it is that the Middle East delegates who attended the Conference upon their return home, bring to their Arab brethren understanding of the need for co-existence with Israel, and a willingness to cooperate with the young republic in the solution of their mutual problems, so that a costly and bloody war may never come to pass.

DOES CLIQUE RUN LODGE? YES! AND YOU CAN JOIN

Yes, it is a clique composed of faithful members who are present at meetings; who give willingly of their time, energies and efforts and who sincerely believe that the more one puts into his organization the more he will get out of it.

There is no question that the enthusiasm, responsibility and efforts of these members are of inestimable value to you and your organization. If you don't belong to this clique, join at once.

It is not a difficult matter to do so—in fact it is very easy. Begin by attending meetings regularly; take a more lively interest in organization activities; make helpful, constructive suggestions and accept responsibilities to serve on committees. Show a constant interest in all affairs pertaining to your lodge. Before you realize it you will become a member of the clique and you would be surprised to know how anxious they are to have you.

Courtesy Adolph Kraus
Lodge Reporter

Legal Aid Bureau Seeks Help

The Legal Aid Committee of the United Charities of Chicago is currently engaged in an appeal for funds to permit maintenance of its constantly increasing caseload of work. The Committee states:

The Legal Aid Bureau served the Bar of Chicago in 1955 by representing 20,422 clients at a lower cost per case than would have been possible for lawyers in private practice. Without the Legal Aid Bureau many would have had no representation. Many other, able to pay a fee, would not have found competent legal assistance except through the Legal Aid Bureau which referred them to the Chicago Bar Association, Lawyer Reference Plan.

During the last year 14 lawyers, assisted by three legal stenographers and eight clerks were required to interview and represent Legal Aid clients. In addition, volunteer attorneys and students of Northwestern University Law School Clinic gave assistance.

Seven pre-trial attorneys disposed of 12,551 cases at the first interview and referred 5131 to the Chicago Bar Association. Seven trial attorneys made 1638 appearances in court, not including continuances or procedural matters. They represented 185 plaintiffs and 710 defendants.

"As lawyers," comments C. Bouton McDougal, chairman Legal Aid Committee, "it is our professional responsibility to support the agency that provides legal counsel for those who cannot afford attorneys' fees. It is a responsibility that should be shared by every member of the Bar."

A community fund agency, the offices of the Legal Aid Bureau are at 123 West Madison Street, Chicago 2, Illinois.

Correspondence

I would be ungrateful if I did not express my sincere thanks to The Decalogue Society of Lawyers for its sponsorship of the Great Books course.

This course, under the able leadership of Messrs. Weinrob and Nudelman afforded me an opportunity to become acquainted with a number of great books which a professional man may have overlooked because of lack of time, indifferences, or a self-sufficient attitude.

I have been a member of the Society for many years, and I find myself amply compensated for dues paid by my participation in this intellectual activity of our organization.

Messrs. Nudelman and Weinrob are to be highly commended for devoting their time and efforts in making the Great Books course interesting and stimulating.

Louis C. Rappaport

Plan Changes In Latin American Civil Law

By LEON A. KOVIN

Member of our Board of Managers, Leon A. Kovin and member Daniel A. Uretz were The Decalogue Society of Lawyers delegates to the Ninth Inter-American Bar Association Conference at Dallas, Texas.

In 1942, lawyers from the various American countries organized the Inter-American Bar Association to provide a forum for the legal profession to exchange views, make comparative studies of their respective laws, and among other aims, to provide for uniformity of commercial legislation.

The Ninth Conference of this association was held in Dallas, Texas, the week of April Fifteenth, with over 750 delegates representing all countries of the American hemisphere and many European nations. Justices of Supreme Courts, high administrative legal officers, lawyers, and members of the legal teaching profession were among the delegates.

There were read before the Ninth Inter-American Bar Conference papers and reports on many legal topics. The association was concerned with the problems of the two systems of laws existing in the Americas, Civil Law and Common Law. In our States there prevails mostly common law, only Louisiana has civil law; about 12 states have community property law. Canada practices both systems. Whenever in conflict the United States and Canada pattern their laws to make them workable and applicable in both branches of the law. In the main, each of the American countries has evolved systems of commercial, domestic relations, probate, and corporate laws to suit the legal needs of their respective commonwealths. Some of these countries made great progress economically and commercially but their own laws lagged far behind in coping with modern times and conditions. Mr. Victor C. Folsom, of the New York bar, reported that some Latin American countries adopted modern laws on "Conditional Sales" and in other types of security transactions. Professor M. J. Adder, of New York University, chairman of the committee on corporations, reported that some modifications in the corporate field took place since the last conference, two years ago.

While contract law does not differ very much under the two systems of laws, the Latin American concept of "consideration" still differs from ours. Passage of titles, according to our Latin American friends, may not depend on payment of the price. While we mutually use the term "corporation" their meaning of same differs from ours. By a corporation, we understand an entity created by the State. Under Civil Law a corporation is a creation by contract of two or more persons acccording to law. The purposes of our corporations are expressed in the articles of incorporation. In the Latin Americas there are two types of corporations or "societies" as they are called. One is a "Society of Persons" which consists of general or special partnerships. The second, "Society of Capital" consists of limited liabilities companies, joint stock companies, and cooperative societies. The term unissued Authorized Capital Stock is strange to the civil law lawyer. Corporate bearer shares are not familiar to common law lawyers.

It is mostly the lawyers from the States who have to go to the other countries to establish a corporation there for investment ventures. Thus, simplifications and modifications of the Latin laws benefit us. While the red tape in organizing a corporation in Latin America has not been eliminated, the conference of the Inter-American Bar Association made it possible for the lawyers of the two systems when brought together to understand one another as lawyers. In the field of internal civil law, the conflicts in the Latin-American countries are greater than in our States.

Miss Matilda Fenberg, Mr. Daniel Uretz, and I participated in the discussions of the committee on Domestic Relations. In questions of divorce, minor's contracts, and the status of children of divorced families, the problems of the Latin American lawyers were similar to ours. The answers to questions of inheritance law, however, proved inconclusive because the conversation was held in the Spanish language and, when a translated version reached us, North Americans, it was decided that a committee be appointed to make a comparative study and report their findings tc the next conference; the questions which I raised made it impossible at that time to arrive at a final answer.

The Ninth Inter-American Bar conference proved significant in other fields. First: for reasons of internal security in the American hemisphere, the Inter-American Bar Association should continue to serve as a voluntary agency to assume the unification of American governments. Second: that the legal profession of all countries should aid our Latin American neighbors to modernize their laws. Third: it concluded that it is easier to unify the laws of those countries by commercial legislations; our own attempts in the same direction are more difficult because of our system of Constitutional division of powers. In this land, powers are delegated to our Federal Government and those not delegated are reserved to the states.

In discussing an amendment to the United Nations charter, I presented an argument based on our system of constitutional division of powers. The Latin American delegates sought the establishment of an International World Court with direct access to its jurisdiction by individuals. My contention was that under our set-up an individual should be tried in his own community, under its own laws and customs. To allow an individual access to such an international court is to permit him an escape from the prevailing procedures of his own community. This amendment was sent back for further study.

A will to contribute to the common good was evidenced by the delegates throughout the conference. There was an eagerness to exchange ideas, information, and to assist in the clarification of issues. All the delegates had but one purpose at heart: to maintain the high ethics and dignity of the legal profession.

Justin G. Turner Honored

Member Justin G. Turner, former Chicagoan, now a resident of Los Angeles, California, was among the recipients of honorary Doctorate of Law degrees from the Lincoln College at a convocation in New Salem Park, Illinois on April 22. Governor William G. Stratton, together with other state officials, participated in the ceremonies.

The event also marked the one hundred and twenty-fifth anniversary of Abraham Lincoln's arrival in New Salem.

BOOK REVIEWS

NEVER PLEAD GUILTY, by John Wesley Noble and Bernard Averbuch. Farrar, Straus and Cudahy. 306 pp. $3.50.

Reviewed by LEONARD L. LEON

This is the story of Jake Ehrlich, San Francisco criminal lawyer, extraordinary. And we are advised that it is authentic, for the publisher assures us, that while it may not bear Ehrlich's imprimatur, his complete cooperation was received.

Inevitably the reader is reminded of Quentin Reynolds saga of Samuel Leibowitz, *Courtroom.* Many of the same elements are present; the omniscient criminal lawyer single-handedly cheating the electric chair or the gas chamber of its prey; the crime of passion and violence generously spiced with lurid detail; the intriguing chapter sub-titles.

The resemblance is unfortunately merely on the surface. Reynolds tried to take Leibowitz's advice to "write a book that would not only be revealing to the public, but helpful to law students and also to lawyers"; to "not only tell the human stories of the trials, but also point out changes that can be made to improve the administration of criminal justice." In some measure Reynolds succeeded. If the authors of *Never Plead Guilty* were aware of Leibowitz's criteria, their book dismally fails to reflect it.

Written in a slick, superficial style, the authors achieve the rather dubious distinction of writing 306 pages about a famous criminal lawyer and saying almost nothing of value to the lawyer or law student, or a layman interested in something more than the size of Sally Rand's fans.

In rapid succession we meet a theatrical magnate, an assortment of madams, panderers, prostitutes, honest and not so honest policemen, celebrities of the entertainment world, and a miscellany of the human flotsam that a huge metropolis casts into the office of every successful criminal lawyer. This makes the midly entertaining reading, but not much more.

Equally disquieting is the portrayal of Ehrlich that emerges. The authors, while assuring us of their objectivity, obviously, if unintentionally lean in his favor. Despite this, your reviewer (who has never met Ehrlich) finds the finished portrait less than flattering. Incidents relating Ehrlich's generosity are legion. His ability as a trial lawyer is evident. Yet somehow a false note is struck. The man about town who hob-nobs with movie stars and sport celebrities and loves practical jokes, seems to be out of touch with that precious part of our legal heritage which holds (cynics and scoffers to the contrary notwithstanding) that the practice of law is more than just a stepping stone to fame and fortune.

THE MERCY OF THE COURT, by Monica Porter. W. W. Norton and Company. 252 pp. $3.50.

Reviewed by BENJAMIN WEINTROUB

In the case of People vs. Bob Haberman, a seventeen year old confessed robber with a gun, Judge Andrew Evans of the Circuit Court, Elm City, Michigan, is called upon to pass sentence. The boy is in jail pending the disposition of his case.

An enterprising lawyer, battling against overwhelming odds in behalf of his client succeeds in securing several continuances that delay the imposition of an inevitably harsh sentence, a long term in the state penitentiary.

The defendant is uncooperative with his attorney and social agencies which seek to aid him. Embittered, he is hopelessly reconciled to the prospect of punishment for his crime. He is seemingly unrepentant about the deed committed.

Judge Evans, long on the Bench, and known in the profession and in the community for strict interpretation of the law and for the sternness of his decisions, is unaccountably impressed with the person and the courtroom behavior of the youthful defendant; he seeks to probe into the factors that produced in the individual before the Bar a serious offender of society, and which had fashioned the boy into a menace to the community. The one week continuance that he reluctantly grants affords him an added opportunity for study and deliberation upon the case before him.

Slowly and inexorably there dawns upon him a conviction that society is as much at fault for the plight of the youngster as the defendant is himself. More so, perhaps. There grows within him a firm belief that leniency is in order and that the culprit needs a chance at self rehabilitation.

All, including the judge's own family, urge the imposition of a severe sentence. The politicians insist upon it, the prosecutor's office, fellow judges, the town's only newspaper and, the so-called leading citizens in the community. The Judge would jeopardize his chance for advancement to the Michigan Supreme Court if something less than dire punishment is meted out to the criminal. In the eyes of Elm City, the boy is the incarnation of evil, the representative of the most vicious elements of teen age villainy, and a claim is abroad that freedom, if granted, would be appeasement of wickedness.

In the course of the drama-packed week, however, much emerges that reveals Haberman as a victim of ugly family circumstances, faulty school training, poverty, and utter lack of human treatment of his problems by fellow townsmen. The boy has been sinned against more than he had sinned. Judge Evans imposes a suspended sentence and thus affords the youth a chance to make good elsewhere than in the city where he was reared.

While at times the dialogues in *The Mercy of the Court* sound like social tract tirades, the characters in Miss Porter's book seem authentic and genuine. Situations presented in black and white tones are racy and melodramatic and the thesis propounded rings pertinent and true. The book is heartily recommended.

BRANDEIS—an Appreciation

by PAUL G. ANNES

This year marks the centennial of the birth of a great American and a distinguished Jew—Louis D. Brandeis. He was born in Louisville, Ky., in 1856, the son of assimilated and cultured parents. After completing high school, he studied for two years in Germany, and then went to Harvard Law School, where he established a scholastic record never before nor since surpassed. He was a most able and thorough student; he became an unusual, a unique lawyer. But also much more than that. Through continued study and discipline, he acquired acknowledged standing as an economist, arbitrator, and social reformer in the best sense. And in time also came to be a great leader, concerned with the special problems of the Jewish people in America and throughout the world.

In his every activity there stood out the mark of his great talents and unusual personality, combined with a passionate, yet practical, objectivity. All these attributes in combination surely are a rarity; Brandeis was such a rare human. And in everything he did, Brandeis showed himself devotedly seeking justice and protecting freedom. From the very beginning he was always in part a judge, never wholly an advocate. He learned to know much about the intricacies of high finance and industrial relations, and applied them, more and more as he grew in recognition and affluence, to help make America more truly democratic. Whether in banking or in labor management relations, in social legislation, or in the courts of justice, everywhere he brought to bear an informed and lucid intellect in the service of a better America for all Americans.

Time and circumstances brought Louis Brandeis closer to Jews and Jewish problems. And in time—by then he was 55—he became head of the Zionist movement in the United States; and later, one of the founders of the American Jewish Congress. He did not suffer from the twisted and tortured self-abasement of some Jews of his own day, much like those similar few of our own time who make a mockery of their birth and disgrace both their ancestry and their country. To him, in his own words, Zionism was "a movement to give to the Jew more, not less, freedom—it aims to enable the Jews to exercise the same right now exercised by practically every other people in the world; to live, at their option, either in the land of their fathers or in some other country." Through his influence with President Wilson, he was of great help in the promulgation by the British government of the Balfour Declaration, the forerunner of a restored Israel.

Americans generally and lawyers in particular will remember Brandeis best as one of the great justices of the Supreme Court. Nominated by Woodrow Wilson in 1916, it was not without shameful opposition that he was finally approved by the Senate. At the age of sixty, he thus undertook the last and most famous role of his illustrious career, sitting beside and as the fit companion of the great and revered Holmes. To that high office he gave in fullest measure of all his gifts and resources.

To sum up Brandeis all of his life and work in a few words, is to recall what another great American, Stephen Wise, said of him: "I think not of his gift as an economist, or even his genius as a statesman, least of all his boundless personal generosity. Rather do I think of the spirit he brought . . . that I can best describe by using the Hebrew term Kedusha-Holiness."

Application for Membership

(*Continued from Page* 7)

Burton D. Wechsler	Richard L. Ritman and Elmer Gertz
Warren Marshall Wexler	Benj. Weintroub and Favil Berns
Warren Marshall Wexler	Benjamin Weintroub and Favil David Berns
Abraham A. Diamond	Favil David Berns
George J. Van Emden	Jacob Van Emden and Benjamin Weintroub
Bernard M. Berks	I. H. Feldstein and Jack Nusinow
Irving Stenn, Jr.	Irving Stenn and Leo Karlin

Israeli Honors for Judge Harry M. Fisher

A tract of land, to be known in perpetuity as "Nachlat Judge and Mrs. Harry M. Fisher," was dedicated April 3rd in the village of Porat, in Israel.

The tract was established through the efforts of a committee of Judge Fisher's friends, who initiated the project for its establishment at a Purim 1954 Jewish National Fund dinner at which the Judge and Mrs. Fisher were guests of honor.

Member and Mrs. George N. Kotin, who accompanied the Fishers on their trip to Israel, participated in the dedication ceremony.

AUTHOR

Member Samuel H. Holland is the author of a pamphlet printed and distributed by the Labor Education Division of Roosevelt University, entitled "The Workers Institute, and Experiment in Workers Education." Its contents recite in considerable detail the story of a unique educational effort in the annals of early cultural movements in Chicago.

Established in 1915, this institute functioned until 1920, when the conflicting social philosophies of its founders compelled the cessation of its actitvities. "The Workers Institute followed the course of other liberal, labor, and progressive institutions of that period. It became the victim of Palmer raids and Communist intolerance. It closed its doors in December 1920."

SPECIAL CORRESPONDENT

Past President Elmer Gertz has been designated by "The Nation," oldest American liberal publication, as its special correspondent to cover the Democratic National Convention. The convention will be held in Chicago in August.

JUDGE HYMAN FELDMAN HONORED

Member Judge Hyman Feldman of the Municipal Court was awarded the "Man of the Year" award by the Department of Illinois Jewish War Veterans of the United States of America.

The honor was bestowed upon Judge Feldman in recognition of his humanitarian efforts toward rehabilitation of Skid Row men while the judge presided in Monroe Street Court.

TEXAS VISITOR

Jack L. Stuart of Dallas, Texas, long a member of our Society, was a recent visitor at several of our Board meetings. His offices are in the Davis Building, 1309 Main Street, Dallas, Texas.

Covenant Club Elects

The following members of The Decalogue Society of Lawyers were elected to administrative posts and to the Club's Board of Directors at the annual meeting of Covenant Club membership on May 10: Philip H. Mitchel—First Vice-President, Nathan Schwartz—Second Vice-President, Norman Becker —Financial Secretary.

Elected to the Covenant Club Board of Directors: Benjamin F. Fohrman, Joseph J. Karlin, Lewis D. Leavitt, Senator Benjamin Nelson, Max Rittenberg, Bernard H. Sokol, Louis Steinberg, and Benjamin Weintroub.

Member Samuel J. Baskin, the outgoing President, will become the Junior Past President of the Club.

Israeli Justice Guest of Society

Justice Shalom Kassan, President of the Haifa and Nazareth District Courts, addressed our Board of Managers on Israeli law at a luncheon meeting in the Covenant Club on April 27. The Justice is in the United States on a brief speaking tour.

Justice Kassan's legal education was obtained in the University of Chicago Law School.

CONGRATULATIONS

Member Sidney R. Marovitz, former assistant corporation counsel City of Chicago, was elected on May 9 President of Ner Tamid Congregation, 2754 West Rosemont Street.

Lawyers Division, Combined Jewish Appeal

Hundreds of members of the Decalogue Society of Lawyers participated in the Chicago Combined Jewish Appeal, Lawyers Division annual fund raising dinner, in the Sherman Hotel, on April 25.

Member Judge Abraham L. Marovitz presided. Philip M. Klutznick, international President of B'nai B'rith delivered the principal address.

Member Abram N. Pritzker is president of the 1956 Chicago Combined Jewish Appeal campaign.

SORROW

The Decalogue Society of Lawyers announces with deep regret the deaths of the following members:

Sidney Glick Jacob G. Hamer

Robert Lew

Harvard-Brandeis Study Israel Law

In 1953-1954 the then president Mr. Paul G. Annes, appointed a committee headed by Senator Marshall Korshak and Judge Harry M. Fisher to help finance a project known as the "Israeli Cooperative Research for Israel's Legal Development." The committee raised among our members the sum of two thousand dollars which was sent to the Harvard Law School. An article, "Harvard and Israel" by member Joseph Laufer appeared in the April-May, 1954 issue of The Decalogue Journal.

A new program, known as the Harvard-Brandeis Cooperative Research on Israel's Legal System was announced this week. The program will seek to stimulate study of comparative law and legislation, and undertake research relating to problems raised by bills under consideration in Israel. It is hoped thereby to establish a model for similar undertakings relating to the law of other new or rapidly changing societies.

The immediate problems arise in the context of Israel's current efforts towards the creation of a new legal system. The legal order prevailing at present, embodies elements of English, Ottoman, Moslem and French Law, as well as the law of nine religious communities.

Though Harvard Law School and Brandeis University have just joined forces on this project, the study was inaugurated in 1952 at Harvard. One of the projects which has already been completed and sent to Israel, is the draft of bills reforming and codifying the law of inheritance and the law of evidence. These drafts are now awaiting action by the *Knesset* (Parliament). Work on a comprehensive domestic relations bill, just completed in Israel, has been sent to Harvard for study. Other major areas of codification will include: corporation law; criminal law; law of contracts and of torts; law of real and personal property.

Aside from these major efforts of codification, other problems have been examined. Legislative materials and comments based on broad comparative research have been directed to such diverse topics as mental health, motion pictures, public assemblies, free shipping zones, and other relatively specialized but important topics.

At Harvard, the work is being carried out under the direction of Joseph Laufer, (a member of the Decalogue Society of Lawyers) a former U.S. Department of Justice attorney, and with the facilities of the 800,000-volume Harvard Law School Library available. Two American research associates are connected with the project on a full time basis, and the Israeli Ministry of Justice assigns one or two legal officials or judges to Harvard, for nine-month periods, to participate in the research and to interpret the background of the problem studied for their American colleagues. The visiting Israelis will also have a chance to observe teaching methods and to familiarize themselves with American law and legal institutions.

—ISRAEL DIGEST

The Editor will be glad to receive contributions of articles of modest length, from members of The Decalogue Society of Lawyers only, upon subjects of interest to the profession. Communications should be addressed to the Editor, Benjamin Weintroub, 82 West Washington Street, Chicago 2, Illinois.

Lawyer's LIBRARY

Learning is an ornament in prosperity, a refuge in adversity, and a provision in old age. —ARISTOTLE

Bayitch, S. A. *Conflict law in United States treaties.* A survey. Chicago, Univ. of Chicago Law School, Comparative Law Research Center, 1955. 95 p. Apply. (International legal studies, No. 1) (Publ. in Miami law quart., 1954-1955)

Callison, I. P. *Courts of injustice.* N. Y., Twayne Publishers, 1955. 775 p. $6.00.

Emden, C. S. *People and the constitution.* 2nd ed. N. Y., Oxford Univ. Press, 1956. 389 p. $6.75.

Farmer, Frances, ed. *The Wilson reader.* N. Y., Oceana, 1956. 288 p. $3.50. (Paper $1.00)

Lockmiller, D. A. *Enoch H. Crowder; soldier, lawyer and statesman.* Columbia, Univ. of Missouri, 1955. 286 p. $5.00.

MacGill, E. G. *My mother the judge,* a biography of Judge Helen Gregory MacGill. Toronto, Ryerson Press, 1955. 248 p. $4.50.

MacNeil, Neil and Metz, H. W. *The Hoover report* 1953-1955; *what it means to you as citizen and taxpayer.* N. Y., Macmillan, 1956. 344 p. $5.75.

Manly, Chesly. *The UN record; ten fateful years for America.* Chicago, Henry Regnery Co., 1955. 256 p. $3.95.

Morgan, E. M. *Some problems of proof under the Anglo-American system of litigation.* N. Y., Columbia Univ. Press, 1956. 207 p. $3.50.

Musmanno, M. A. *Justice Musmanno dissents; the dissenting opinions.* 1952-1955. Indianapolis, Bobbs-Merrill, 1956. 576 p. $10.00.

Schwartz, Robert J. *Complete dictionary of abbreviations.* 25,000 entries, legal, business, government, scientific, army, navy, etc. N. Y., Crowell, 1955. 211 p. $3.95.

Illinois law and practice. Vol. 19. Chicago, Burdette Smith, 1956.

Political handbook of the world, 1956. N. Y., Harper, for the Council on Foreign Relations, Inc., 1956.

U. S. Treaties. *United States treaties and other international agreements.* Vol. 4, pt. 2, 1953. Washington, Govt. Print. Off., 1955. $10.00.

American Law Student Association. *The legal profession.* Chicago, American Bar Center, 1956. 111 p. Apply. (Paper)

Chafee, Zechariah. *Blessings of liberty.* Phila., Lippincott, 1956. 350 p. $5.00.

Harding, A. L., ed. *Religion, Morality and law.* Dallas, Southern Methodist Univ. Press, 1956. 109 p. $3.00. (Studies in jurisprudence, v.3)

Sparks, B. M. *Contracts to make wills.* N. Y., New York Univ. Press, 1956. $5.00.

Votaw, Dow. *Legal aspects of business administration.* N. Y., Prentice-Hall, 1956. 808 p. $9.00.

U.S. Courts. *Decisions of the U.S. courts involving copyright.* Cumulative index, 1909-1954. (Copyright Office Bulletins Nos. 17-29) Washington, Library of Congress, 1956. $1.75.

U. S. Treasury Citation for Archie H. Cohen

Past President Archie H. Cohen, long a communal and civic leader in Chicago and the Middle West, has recently retired as a member of the Board of Review, General Services Administration, Washington, D.C.

While in Washington, where Mr. Cohen lived for three years, he served as G.S.A. chairman of Brotherhood Week Observance, chairman of Community Fund Campaign for 1954, and G.S.A. chairman of United States Savings Bond Campaign. For his outstanding achievements in the latter work, Mr. Cohen was presented with a United States Treasury Department Minute Men citation by Mrs. Ivy Baker Priest, Treasurer of the United States.

Joseph L. Nellis

Member Joseph L. Nellis of Washington, D.C. was appointed by Senator Estes Kefauver as special assistant to the chairman of the National Kefauver Campaign Committee.

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Advice to a Young Lawyer

Be brief, be pointed; let your matter stand
Lucid in order, solid, and at hand;
Spend not your words on trifles, but condense;
Strike with the mass of thought, not drops of sense;
Press to the close with vigor, once begun,
And leave (how hard the task!), leave off, when done.

Who draws a labored length of reasoning out,
Puts straws in line, for winds to whirl about;
Who drawls a tedious tale of learning o'er,
Counts but the sands on ocean's boundless shore.

Victory in law is gained, as battles fought,
Not by the numbers, but the forces brought.

What boots success in skirmish or in fray,
If rout and ruin following close the day?

What worth a hundred posts maintained with skill,
If these all held, the foe is victor still?

He who would win his cause, with power must frame
Points of support, and look with steady aim;
Attack the weak, defend the strong with art,
Strike but few blows, but strike them to the heart;
All scattered fires but end in smoke and noise,
The scorn of men, the idle play of boys.

Keep, then, this first precept ever near,
Short be your speech, your matter strong and clear,
Earnest your manner, warm and rich your style,
Severe in taste, yet full of grace the while;
So may you reach the loftiest heights of fame,
And leave, when life is past, a deathless name.

When'er you speak, remember every cause
Stands not on eloquence, but stands on laws;
Pregnant in matter, in expression brief,
Let every sentence stand in bold relief;
On trifling points, nor time, nor talents waste,
A sad offense to learning and to taste;
Nor deal with pompous phrase; or e'er suppose
Poetic flights belong to reasoning prose.

—JOSEPH STORY
FROM THE LAWYER'S ALCOVE